

Court of Appeals, State of Michigan

ORDER

In re Douglas Brooks Sasak

Docket No. 301696

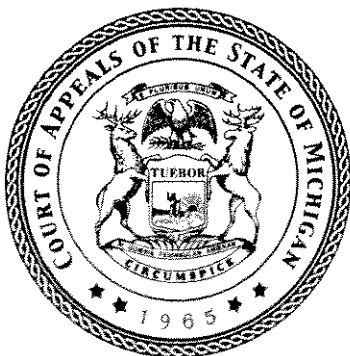
LC No. 09-045012-DL

Jane E. Markey
Presiding Judge

E. Thomas Fitzgerald

Henry William Saad
Judges

The Court orders that the motion for reconsideration is DENIED. Under MCL 712A.1(2), juvenile delinquency proceedings “[e]xcept as otherwise provided . . . are not criminal proceedings.” Thus, juvenile delinquency proceedings are generally treated as civil proceedings. Because appellant has cited no statutory or court rule provision directing that juvenile delinquency proceedings be treated as criminal cases for purposes of MCR 7.204, he has not established that this Court erred by dismissing the claim of appeal because it was not timely filed within the time limit of MCR 7.204(A)(1)(a), which applies in civil cases. Appellant’s citation of case law establishing that certain constitutional rights apply in juvenile delinquency cases does not establish that a state must classify such cases as criminal cases or that the time limit for filing an appeal of right in such cases must be the same as the time limit for filing an appeal of right in a criminal case. Further, appellant has not been deprived of the ability to take an appeal of right, but rather has failed to timely exercise the right to do so. We reiterate that appellant may seek to appeal the November 10, 2010 lower court order by filing a delayed application for leave to appeal under MCR 7.205(F). _



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 05 2011

Date

Larry S. Royster
Chief Clerk